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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 08/873,974
Filing Date: June 12, 1997
Appellant(s): SCROGGIE ET AL.

Richard Neifeld
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 8/22/08 appealing from the Office action mailed 5/23/08.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

A prior decision in this case having BPAI docket number 2004-1267 was mailed in this application on July 29, 2004. A copy of that decision is attachment 1.

A prior decision in this case having BPAI docket number 2004-1267 on request for rehearing was mailed September 30, 2004. A copy of that decision is attachment 2.

A prior final decision in this case having BPAI docket number 2006-2100 was mailed 1/31/2008. A copy of that decision is attachment 3.

There was a prior appeal to the CAFC in this case, but it was remanded without decision

since the BPAI decision appealed from was not final.

The related 09/505,632 was the subject of a prior appeal to the BPAI having BPAI docket 2002-0329. A decision in BPAI docket 2002-032 was mailed October 27, 2003.

A copy

of that decision is attached as Attachment 4.

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An appeal is pending in related case attorney docket number CAT/34-SCRO-CCP; application number 09/505,632; docketed at the BPAI in a paper dated 7/29/2008 as docket No.

2008-4711. No decision has been rendered on that appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| | | |
|-----------|---------------|---------|
| 5,855,007 | JOVICIC et al | 12-1998 |
| 5,915.243 | SMOLEN | 6-1999 |
| 6,064,979 | PERKOWSKI | 5-2000 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 50-51, 54-58, 60-61, 64-68, 70-71, 74-78, 80-81, 84-88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jovicic et al, (US 5,855,007).

As per claim 50, Jovicic et al discloses:

a cooperative network site configured to store at least one of (i) manufacturer incentives to purchase one of a product and a service offered by a manufacturer and (ii) retailer incentives to purchase one of a product and a service offered by a retailer, (col. 2, lines 65-66, coupon data stored in a Internet coupon notification center);

at least one of a manufacturer network site and a retailer network site coupled to said cooperative network site via said communication network, (col. 2, lines 65-67, shows Internet coupon notification center is linked with retail outlet's computer system); and

a consumer computer coupled to one of said manufacturer network site and retailer network site via said communication network, (Fig. 1, (102), where the internet node is where the user of a computer communicates with the system as shown in col. 4,

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lines 17-21, also shows it is connected to the redemption center (retail outlet store shown in col. 2, line 27) by way of Internet).

wherein said cooperative network site is configured to transmit at least one of said manufacturer incentives and retailer incentives to said consumer over said communication network, in response to a consumer request made over said communication network..., (Col. 3, lines 47-50, user makes online selection in Col. 3, lines 5-67, and col. 4, lines 19-21, selecting a coupon, w/ col. 4, lines 26-28, transmitting the electronic coupon to the user's computer network node).

Jovicic et al does not specifically disclose that the consumer requests coupons from the retailer/manufacture and then sending the coupons to the consumer from the cooperative network site, however does disclose that the consumer requests and receives the actual coupons from the cooperative network site, and also teaches that the retailer provides the coupon information to the cooperative network site since the coupon generation database specifies coupons that are made available in Col. 6, lines 34-41 and Col. 11, lines 44-48. In addition, Jovicic teaches that the ICNC could be coupled with the Internet Coupon Server in Col. 10, lines 50-58. Therefore, the teachings of Jovicic would suggest that the coupons may also be generated/sent to customer from the ICNC/Internet Coupon Server combined unit.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for the consumer's request to be from one of said manufacturer

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network site and retailer network site with the motivation of allowing the consumer the option of selecting either manufacture's coupons or retailer's coupons.

As per claim 51, Jovicic et al discloses:

wherein said cooperative network site is configured to store at least one of said manufacturer incentives and retailer incentives in a data base coupled thereto, (Col. 6, lines 34-41 and Col. 11, lines 44-48, coupons stored in database).

As per claim 54, Jovicic et al discloses:

wherein, in response to a query from said consumer made over said communication network from said retailer network site, said cooperative network site transmits incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, (Col. 10, line 46-Col 11, line 3, In response to entry of demographic information, transmission of coupon serial number and redemption center's ID # to the Internet Coupon Notification Center's database occurs by way of message w/Col. 11, lines 8-12, shows that as a result of the transmitted message, the coupon's serial number and the user's identification is stored in the coupon generation database, which is accessible by the consumer);

said consumer transmits incentive selection data selected from said incentive data to said cooperative network site via said retailer network site, (col. 3, lines 47-50, user makes online selection to the Internet Coupon server, by way of redemption center, as shown in Fig. 1 where [122] is used for making a selection and is connected to the redemption center); and

said cooperative network site transmits incentives corresponding to said selection data to said consumer via said retailer network site, (Col. 11, lines 8-12, shows that as a result of the transmitted message, the coupon's serial number and the user's identification is stored in the coupon generation database, which is accessible by the consumer).

As per claim 55, Jovicic et al discloses:

wherein, in response to a query from said consumer made over said communication network from said retailer network site, said cooperative network site transmits a consumer personal page including incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, (Col. 3, lines 49-59, shows coupons contain a personalized message, where coupons come from coupon server and can be transmitted to the user's computer network node as shown in col. 4, lines 26-28)

said consumer transmits incentive selection data selected from said incentive data to said cooperative network site via said retailer network site, (col. 3, lines 47-50, user makes online selection to the Internet Coupon server, by way of redemption center, as shown in Fig. 1 where [122] is used for making a selection and is connected to the redemption center); and

said cooperative network site transmits incentives corresponding to said selection data to said consumer via said retailer network site, (Col. 11, lines 8-12, shows that as a result of the transmitted message, the coupon's serial number and the

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user's identification is stored in the coupon generation database, which is accessible by the consumer).

As per claim 56, Jovicic et al discloses:

wherein, in response to said consumer transmitting an identification code over said communication network from said retailer network site, said cooperative network site transmits incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, said incentive data is based on consumer specific data of said consumer associated with said identification code, (Col. 4, lines 30-47, placing coupon indicia in browsing memory based on user identification);

said consumer transmits incentive selection data selected from said incentive data to said cooperative network site Via said retailer network site, (col. 3, lines 47-50, user makes online selection to the Internet Coupon server, by way of redemption center, as shown in Fig. 1 where [122] is used for making a selection and is connected to the redemption center); and

said cooperative network site transmits incentives corresponding to said selection data to said consumer via said retailer network site, (Col. 11, lines 8-12, shows that as a result of the transmitted message, the coupon's serial number and the user's identification is stored in the coupon generation database, which is accessible by the consumer).

As per claim 57, Jovicic et al discloses:

wherein said incentive data is based on said consumer specific data comprising a shopping history of said consumer, (col. 9, lines 10-37, shows past transactions are stored and used for generation of coupon data).

As per claim 58, Jovicic et al discloses:

wherein said incentive data is based on said consumer specific data comprising demographic data of said consumer, (Col. 9, line 65-Col. 10, line 17, shows that the user enters demographic information such as location data to Internet Coupon Server).

As per claim 60, Jovicic et al discloses:

storing at least one of (i) manufacturer incentives to purchase one of a product and a service offered by a manufacturer and (ii) retailer incentives to purchase one of a product and a service offered by a retailer at a cooperative network site, (col. 2, lines 65-66, coupon data stored in a Internet coupon notification center);

coupling at least one of a manufacturer network site and a retailer network site to said cooperative network site via said communication network, (col. 2, lines 65-67, shows Internet coupon notification center is linked with retail outlet's computer system);

coupling a consumer computer to one of said manufacturer network site and retailer network site via said communication network, (Fig. 1, (102), where the internet node is where the user of a computer communicates with the system as shown in col. 4, lines 17-21, also shows it is connected to the redemption center (retail outlet store shown in col. 2, line 27) by way of Internet); and

transmitting from said cooperative network site at least one of said manufacturer incentives and retailer incentives to said consumer over said communication network, in response to a consumer request made over said communication network ..., (Col. 3, lines 47-50, user makes online selection in Col. 3, lines 5-67, and col. 4, lines 19-21, selecting a coupon, w/ col. 4, lines 26-28, transmitting the electronic coupon to the user's computer network node).

Jovicic et al does not specifically disclose that the consumer requests coupons from the retailer/manufacturer and then sending the coupons to the consumer from the cooperative network site, however does disclose that the consumer requests and receives the actual coupons from the cooperative network site, and also teaches that the retailer provides the coupon information to the cooperative network site since the coupon generation database specifies coupons that are made available in Col. 6, lines 34-41 and Col. 11, lines 44-48. In addition, Jovicic teaches that the ICNC could be coupled with the Internet Coupon Server in Col. 10, lines 50-58. Therefore, the teachings of Jovicic would suggest that the coupons may also be generated/sent to customer from the ICNC/Internet Coupon Server combined unit.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for the consumer's request to be from one of said manufacturer network site and retailer network site with the motivation of allowing the consumer the option of selecting either manufacture's coupons or retailer's coupons.

As per claim 61, Jovicic et al discloses:

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storing at said cooperative network site at least one of said manufacturer incentives and retailer incentives in a data base coupled thereto, (Col. 6, lines 34-41 and Col. 11, lines 44-48, coupons stored in database).

As per claim 64, Jovicic et al discloses:

transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer to said consumer Via said retailer network site, in response to a query from said consumer made over said communication network from said retailer network site, (Col. 10, line 46-Col 11, line 3, In response to entry of demographic information, transmission of coupon serial number and redemption center's ID # to the Internet Coupon Notification Center's database occurs by way of message w/Col. 11, lines 8-12, shows that as a result of the transmitted message, the coupon's serial number and the user's identification is stored in the coupon generation database, which is accessible by the consumer);

transmitting by said consumer incentive selection data Selected from said incentive data to said cooperative network site via said retailer network site, (col. 3, lines 47-50, user makes online selection to the Internet Coupon server, by way of redemption center, as shown in Fig. 1 where [122] is used for making a selection and is connected to the redemption center); and

transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site, (Col. 11, lines 8-12, shows that as a result of the transmitted message, the coupon's serial number and the

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user's identification is stored in the coupon generation database, which is accessible by the consumer).

As per claim 65, Jovicic et al discloses:

transmitting from said cooperative network site a consumer personal page including incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to a query from said consumer made over said communication network from said retailer network site, (Col. 3, lines 49-59, shows coupons contain a personalized message, where coupons come from coupon server and can be transmitted to the user's computer network node as shown in col. 4, lines 26-28)

transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site, (col. 3, lines 47-50, user makes online selection to the Internet Coupon server, by way of redemption center, as shown in Fig. 1 where [122] is used for making a selection and is connected to the redemption center); and

transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site, (Col. 11, lines 8-12, shows that as a result of the transmitted message, the coupon's serial number and the user's identification is stored in the coupon generation database, which is accessible by the consumer).

As per claim 66, Jovicic et al discloses:

transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to said consumer transmitting an identification code over said communication network from said retailer network site, and basing said incentive data on consumer specific data of said consumer associated with said identification code, (Col. 4, lines 30-47, placing coupon indicia in browsing memory based on user identification);

transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site, (col. 3, lines 47-50, user makes online selection to the Internet Coupon server, by way of redemption center, as shown in Fig. 1 where [122] is used for making a selection and is connected to the redemption center); and

transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site, (Col. 11, lines 8-12, shows that as a result of the transmitted message, the coupon's serial number and the user's identification is stored in the coupon generation database, which is accessible by the consumer).

As per claim 67, Jovicic et al discloses:

basing said incentive data on said consumer specific data comprising a shopping history of said consumer, (col. 9, lines 10-37, shows past transactions are stored and used for generation of coupon data).

As per claim 68, Jovicic et al discloses:

basing said incentive data on said consumer specific data comprising demographic data of said consumer, (Col. 9, line 65-Col. 10, line 17, shows that the user enters demographic information such as location data to Internet Coupon Server).

As per claim 70, Jovicic et al discloses:

means for storing at least one of (i) manufacturer incentives to purchase one of a product and a service offered by a manufacturer and (ii) retailer incentives to purchase one of a product and a service offered by a retailer at a cooperative network site, (col. 2, lines 65-66, coupon data stored in a Internet coupon notification center);

means for coupling at least one of a manufacturer network site and a retailer network site to said cooperative network site via said communication network, (col. 2, lines 65-67, shows Internet coupon notification center is linked with retail outlet's computer system);

means for coupling a consumer computer to one of said manufacturer network site and retailer network site via said communication network, (Fig. 1, (102), where the internet node is where the user of a computer communicates with the system as shown in col. 4, lines 17-21, also shows it is connected to the redemption center (retail outlet store shown in col. 2, line 27) by way of Internet); and

means for transmitting from said cooperative network site at least one of said manufacturer incentives and retailer incentives to said consumer over said communication network, in response to a consumer request made over said communication network ..., (Col. 3, lines 47-50, user makes online selection in Col. 3,

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lines 5-67, and col. 4, lines 19-21, selecting a coupon, w/ col. 4, lines 26-28, transmitting the electronic coupon to the user's computer network node).

Jovicic et al does not specifically disclose that the consumer requests coupons from the retailer/manufacturer and then sending the coupons to the consumer from the cooperative network site, however does disclose that the consumer requests and receives the actual coupons from the cooperative network site, and also teaches that the retailer provides the coupon information to the cooperative network site since the coupon generation database specifies coupons that are made available in Col. 6, lines 34-41 and Col. 11, lines 44-48. In addition, Jovicic teaches that the ICNC could be coupled with the Internet Coupon Server in Col. 10, lines 50-58. Therefore, the teachings of Jovicic would suggest that the coupons may also be generated/sent to customer from the ICNC/Internet Coupon Server combined unit.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for the consumer's request to be from one of said manufacturer network site and retailer network site with the motivation of allowing the consumer the option of selecting either manufacture's coupons or retailer's coupons.

As per claim 71, Jovicic et al discloses:

means for storing at said cooperative network site at least one of said manufacturer incentives and retailer incentives in a data base coupled thereto, (Col. 6, lines 34-41 and Col. 11, lines 44-48, coupons stored in database).

As per claim 74, Jovicic et al discloses:

means for transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to a query from said consumer made over said communication network from said retailer network site, (Col. 10, line 46-Col 11, line 3, In response to entry of demographic information, transmission of coupon serial number and redemption center's ID # to the Internet Coupon Notification Center's database occurs by way of message w/Col. 11, lines 8-12, shows that as a result of the transmitted message, the coupon's serial number and the user's identification is stored in the coupon generation database, which is accessible by the consumer);

means for transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site, (col. 3, lines 47-50, user makes online selection to the Internet Coupon server, by way of redemption center, as shown in Fig. 1 where [122] is used for making a selection and is connected to the redemption center); and

means for transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site, (Col. 11, lines 8-12, shows that as a result of the transmitted message, the coupon's serial number and the user's identification is stored in the coupon generation database, which is accessible by the consumer).

As per claim 75, Jovicic et al discloses:

means for transmitting from said cooperative network site a consumer personal page including incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to a query from said consumer made over said communication network from said retailer network site, (Col. 3, lines 49-59, shows coupons contain a personalized message, where coupons come from coupon server and can be transmitted to the user's computer network node as shown in col. 4, lines 26-28);

means for transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site, (col. 3, lines 47-50, user makes online selection to the Internet Coupon server, by way of redemption center, as shown in Fig. 1 where [122] is used for making a selection and is connected to the redemption center); and

means for transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site, (Col. 11, lines 8-12, shows that as a result of the transmitted message, the coupon's serial number and the user's identification is stored in the coupon generation database, which is accessible by the consumer).

As per claim 76, Jovicic et al discloses:

means for transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to said consumer transmitting an identification code over said communication network from said retailer network site, and basing said incentive data

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on consumer specific data of said consumer associated with said identification code, (Col. 4, lines 30-47, placing coupon indicia in browsing memory based on user identification);

means for transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site, (col. 3, lines 47-50, user makes online selection to the Internet Coupon server, by way of redemption center, as shown in Fig. 1 where [122] is used for making a selection and is connected to the redemption center); and

means for transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site, (Col. 11, lines 8-12, shows that as a result of the transmitted message, the coupon's serial number and the user's identification is stored in the coupon generation database, which is accessible by the consumer).

As per claim 77, Jovicic et al discloses:

means for basing said incentive data on said consumer specific data comprising a shopping history of said consumer, (col. 9, lines 10-37, shows past transactions are stored and used for generation of coupon data).

As per claim 78, Jovicic et al discloses:

means for basing said incentive data on said consumer specific data comprising demographic data of said consumer, (Col. 9, line 65-Col. 10, line 17, shows that the user enters demographic information such as location data to Internet Coupon Server).

As per claim 80, Jovicic et al discloses:

storing at least one of (i) manufacturer incentives to purchase one of a product and a service offered by a manufacturer and (ii) retailer incentives to purchase one of a product and a service offered by a retailer at a cooperative network site, (col. 2, lines 65-66, coupon data stored in a Internet coupon notification center);

coupling at least one of a manufacturer network site and a retailer network site to said cooperative network site via said communication network, (col. 2, lines 65-67, shows Internet coupon notification center is linked with retail outlet's computer system);

coupling a consumer computer to one of said manufacturer network site and retailer network site via said communication network, (Fig. 1, (102), where the internet node is where the user of a computer communicates with the system as shown in col. 4, lines 17-21, also shows it is connected to the redemption center (retail outlet store shown in col. 2, line 27) by way of Internet); and

transmitting from said cooperative network site at least one of said manufacturer incentives and retailer incentives to said consumer over said communication network, in response to a consumer request made over said communication network ..., (Col. 3, lines 47-50, user makes online selection in Col. 3, lines 5-67, and col. 4, lines 19-21, selecting a coupon, w/ col. 4, lines 26-28, transmitting the electronic coupon to the user's computer network node).

Jovicic et al does not specifically disclose that the consumer requests coupons from the retailer/manufacturer and then sending the coupons to the consumer from the

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cooperative network site, however does disclose that the consumer requests and receives the actual coupons from the cooperative network site, and also teaches that the retailer provides the coupon information to the cooperative network site since the coupon generation database specifies coupons that are made available in Col. 6, lines 34-41 and Col. 11, lines 44-48. In addition, Jovicic teaches that the ICNC could be coupled with the Internet Coupon Server in Col. 10, lines 50-58. Therefore, the teachings of Jovicic would suggest that the coupons may also be generated/sent to customer from the ICNC/Internet Coupon Server combined unit.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for the consumer's request to be from one of said manufacturer network site and retailer network site with the motivation of allowing the consumer the option of selecting either manufacture's coupons or retailer's coupons.

As per claim 81, Jovicic et al discloses:

storing at said cooperative network site at least one of said manufacturer incentives and retailer incentives in a data base coupled thereto, (Col. 6, lines 34-41 and Col. 11, lines 44-48, coupons stored in database).

As per claim 84, Jovicic et al discloses:

transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to a query from said consumer made over said communication network from said retailer network site, (Col. 10, line 46-Col 11, line 3, In response to entry of

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demographic information, transmission of coupon serial number and redemption center's ID # to the Internet Coupon Notification Center's database occurs by way of message w/Col. 11, lines 8-12, shows that as a result of the transmitted message, the coupon's serial number and the user's identification is stored in the coupon generation database, which is accessible by the consumer);

transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site, (col. 3, lines 47-50, user makes online selection to the Internet Coupon server, by way of redemption center, as shown in Fig. 1 where [122] is used for making a selection and is connected to the redemption center); and

transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site, (Col. 11, lines 8-12, shows that as a result of the transmitted message, the coupon's serial number and the user's identification is stored in the coupon generation database, which is accessible by the consumer).

As per claim 85, Jovicic et al discloses:

transmitting from said cooperative network site a consumer personal page including incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to a query from said consumer made over said communication network from said retailer network site, (Col. 3, lines 49-59, shows coupons contain a personalized message, where coupons come from

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coupon server and can be transmitted to the user's computer network node as shown in col. 4, lines 26-28);

transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site, (col. 3, lines 47-50, user makes online selection to the Internet Coupon server, by way of redemption center, as shown in Fig. 1 where [122] is used for making a selection and is connected to the redemption center); and

transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site, (Col. 11, lines 8-12, shows that as a result of the transmitted message, the coupon's serial number and the user's identification is stored in the coupon generation database, which is accessible by the consumer).

As per claim 86, Jovicic et al discloses:

transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to said consumer transmitting an identification code over said Communication network from said retailer network site, and basing said incentive data on consumer specific data of said consumer associated with said identification code, (Col. 4, lines 30-47, placing coupon indicia in browsing memory based on user identification);

transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said retailer network site, (col. 3, lines 47-50, user makes online selection to the Internet Coupon server, by way of redemption

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center, as shown in Fig. 1 where [122] is used for making a selection and is connected to the redemption center); and

transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site, (Col. 11, lines 8-12, shows that as a result of the transmitted message, the coupon's serial number and the user's identification is stored in the coupon generation database, which is accessible by the consumer).

As per claim 87, Jovicic et al discloses:

basing said incentive data on said consumer specific data comprising a shopping history of said consumer, (col. 9, lines 10-37, shows past transactions are stored and used for generation of coupon data).

As per claim 88, Jovicic et al discloses:

basing said incentive data on said consumer specific data comprising demographic data of said consumer, (Col. 9, line 65-Col. 10, line 17, shows that the user enters demographic information such as location data to Internet Coupon Server).

Claims 52, 62, 72, 82, are rejected under 35 U.S.C. 103(a) as being unpatentable over Jovicic et al, (US 5,855,007), and further in view of Perkowski (US 6,064,979).

As per claims 52, Jovicic et al discloses:

wherein, in response to a query from said consumer made over said communication network from said manufacturer network site, said cooperative network site transmits a geographically limited...of retailers honoring incentives from said manufacturer and corresponding incentive data to said consumer via said manufacturer network site, (Col. 9, line 65-Col. 10, line 17, shows that the user enters demographic information such as location data to Internet Coupon Server, w/Col. 10, line 46-Col 11, line 3, In response to entry of demographic information, transmission of coupon serial number and redemption center's ID # to the Internet Coupon Notification Center's database occurs by way of message, w/Col. 11, lines 8-12, shows that as a result of the transmitted message, the coupon's serial number and the user's identification is stored in the coupon generation database, which is accessible by the consumer);

said consumer transmits incentive selection data selected from said incentive data to said cooperative network site via said manufacturer network site, (col. 3, lines 47-50, user makes online selection to the Internet Coupon server, by way of redemption center, as shown in Fig. 1 where [122] is used for making a selection and is connected to the redemption center); and

said cooperative network site transmits incentives corresponding to said selection data to said consumer via said manufacturer network site, (Col. 11, lines 8-12, shows that as a result of the transmitted message, the coupon's serial number and the user's identification is stored in the coupon generation database, which is accessible by the consumer).

Jovicic et al does not specifically disclose that there is a list transmitted of retailers, however does disclose that the user enters demographic information such as location data to Internet Coupon Server in Col. 9, line 65-Col. 10, line 17, and in response to entry of demographic information, transmission of coupon serial number and redemption center's ID # to the Internet Coupon Notification Center's database occurs by way of message in w/Col. 10, line 46-Col 11, line 3.

However Perkowski discloses that incentive source information comprises a list, (col. 13, lines 32-37, users are provided with a list of URLs that identify the web locations at which service can be found, w/col. 18, lines 15-31, users are provided with a list of manufacturers URLs that corresponds to particular desired products, w/col. 4, lines 44-53 discloses that URLs are categorized as relating to product incentives, and shows that these URLs are displayed to the requestor for selection. Perkowski discloses this in an analogous art for the purpose of showing that incentive sources are presented in a structured list for selection by the requestor.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for the source of information to comprise a list with the motivation of allowing a format which is selectable by the user.

As per claim 62, 72, 82, Jovicic et al discloses:

Transmitting/means for transmitting from said cooperative network site a geographically limited...retailers honoring incentives from said manufacturer and corresponding incentive data to said consumer via said manufacturer network site, in

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response to a query from said consumer made over said communication network from said manufacturer network site, (Col. 9, line 65-Col. 10, line 17, shows that the user enters demographic information such as location data to Internet Coupon Server, w/Col. 10, line 46-Col 11, line 3, In response to entry of demographic information, transmission of coupon serial number and redemption center's ID # to the Internet Coupon Notification Center's database occurs by way of message, w/Col. 11, lines 8-12, shows that as a result of the transmitted message, the coupon's serial number and the user's identification is stored in the coupon generation database, which is accessible by the consumer);

Transmitting/means for transmitting by said consumer incentive selection data selected from said incentive data to said cooperative network site via said manufacturer network site, (col. 3, lines 47-50, user makes online selection to the Internet Coupon server, by way of redemption center, as shown in Fig. 1 where [122] is used for making a selection and is connected to the redemption center); and

Transmitting/means for transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said manufacturer network site, (Col. 11, lines 8-12, shows that as a result of the transmitted message, the coupon's serial number and the user's identification is stored in the coupon generation database, which is accessible by the consumer).

Jovicic et al does not specifically disclose that there is a list transmitted of retailers, however does disclose that the user enters demographic information such as

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location data to Internet Coupon Server in Col. 9, line 65-Col. 10, line 17, and in response to entry of demographic information, transmission of coupon serial number and redemption center's ID # to the Internet Coupon Notification Center's database occurs by way of message in w/Col. 10, line 46-Col 11, line 3.

However Perkowski discloses that incentive source information comprises a list, (col. 13, lines 32-37, users are provided with a list of URLs that identify the web locations at which service can be found, w/col. 18, lines 15-31, users are provided with a list of manufacturers URLs that corresponds to particular desired products, w/col. 4, lines 44-53 discloses that URLs are categorized as relating to product incentives, and shows that these URLs are displayed to the requestor for selection. Perkowski discloses this in an analogous art for the purpose of showing that incentive sources are presented in a structured list for selection by the requestor.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for the source of information to comprise a list with the motivation of allowing a format which is selectable by the user.

Claims 53, 63, 73, 83, are rejected under 35 U.S.C. 103(a) as being unpatentable over Jovicic et al, (US 5,855,007), and further in view of Perkowski (US 6,064,979), and further in view of Smolen (US Patent 5,915,243).

As per claims 53, 63, 73, 83, the combination of Jovicic et al and Perkowski does not specifically disclose that transmission takes place based on postal code, however

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does disclose the transmission of the geographically limited list of retailers as shown above with respect to claims 52, 62, 72 and 82.

However, Smolen discloses that transmission takes place based on postal code in, (Col. 4, lines 64-67, postal code). Smolen discloses this limitation in an analogous art for the purpose of showing that postal code data can be incorporated into a system for transmitting incentives.

It would have been obvious to one of ordinary skill in the art for the region data to be postal code data in order to determine the location of the retailer versus the location of the user for incentive transmittal purposes.

Claims 59, 69, 79, 89, are rejected under 35 U.S.C. 103(a) as being unpatentable over Jovicic et al, (US 5,855,007), and further in view of Smolen (US Patent 5,915,243).

As per claim 59, 69, 79, 89, Jovicic et al does not specifically disclose the following, however does disclose the storage of at least one of said manufacturer incentives and retailer incentives in a data base in Col. 6, lines 34-41 and Col. 11, lines 44-48.

However, Smolen discloses:

wherein said incentive data is based on said consumer specific data comprising customer profile data of said consumer, (col. 1, lines 5-7, information profile). Smolen

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discloses this limitation in an analogous art for the purpose of showing that promotions are delivered based on an information profile.

It would have been obvious to one of ordinary skill in the art to base incentive data on consumer specific data comprising customer profile data with the motivation of providing incentives based on consumer preferences.

(10) Response to Argument

As per claim 60, also representative of claims 50, 60, 70 and 80, appellant argues that in the present invention communication from consumer, to retailer or manufacturer, and then, in response, communication of an incentive from cooperative network site to the consumer occurs, but in contrast, Jovicic discloses transmitting from the consumer to a coupon server, and then transmitting from the coupon server transmitting back to the consumer. Appellant continues to argue that in the present invention, three network sites are involved in responsive communication, where, in Jovicic, only two are involved in responsive communication. However, in Jovicic, in col. 6, lines 21-24, and also as shown in Fig 1, the ICNC can be physically present within the Internet coupon server, where examiner interprets that the ICNC can be a retailer's site since, as shown in col. 6, lines 24-34, each ICNC is the owner of one particular category of coupons for example a "Ben & Jerry's Inc." coupon category, and the Internet Coupon Server as the cooperative network site. Therefore, the request that the consumer makes can be directed towards the combined unit, and therefore can also be made to the retailer's site, and in response the Internet coupon server transmitting back

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to the consumer. In addition, the present claims do not require three network sites as claimed. In independent claims 50, 60, 70 and 80, the phrases "at least" and "one of" are used quite frequently. Examiner will use claim 50 as an example, however, this example still applies to claims 60, 70 and 80 as well. In claim 50, appellant claims "*at least one* of a manufacturer network site and a retailer network site coupled to said cooperative network site via said communication network", and also claims "a consumer computer coupled *to one of* said manufacturer network site and retailer network site via said communication network." From these two limitations, one can see that responsive communication between three network sites/nodes in present claims is not necessary. Examiner's interpretation of the above limitations show that either the manufacturer network site *or* the retailer network site is coupled to the cooperative network site, not both, and that the consumer computer is either coupled to the manufacturer network site *or* the retailer network site, not both.

Appellant also argues that the examiner corresponds Jovicic's Fig. 1 user computer 102 to the claimed consumer computer, however the examiner fails to explain how Jovicic discloses the claimed coupling to a manufacturer or retailer network site, in "coupling a consumer computer to one of said manufacturer network site and retailer network site via said communication network." However, as described above in the preceding paragraph, in Jovicic, in col. 6, lines 21-24, and also as shown in Fig 1, the ICNC can be physically present within the Internet coupon server, where examiner interprets the ICNC as the retailer's site, and the Internet Coupon Server as the cooperative network site. As specifically shown in fig. 1, a user can access the Internet

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through the Internet node (102) which is coupled through an internet public computer network, where the examiner interprets the internet public computer network as the communication network doing the coupling, and in this case, the consumer request can be directed towards the combined unit, and therefore can also be made to the retailer's site.

Appellant also argues that Fig. 1 does not suggest communications between user computer 102 and redemption center 142, and that Jovicic does not indicate that user computer 102 communicates with redemption center 142, and also that Jovicic does not suggest that redemption center 142 is a retailer or wholesaler network site. However, as shown in the rejection, Fig. 1, (102), shows an internet node where the user of a computer communicates with the system as shown in col. 4, lines 17-21, also shows it is connected to the redemption center. Specifically, in col. 2, line 27, Jovicic shows that the redemption center can be a retail outlet store and is connected to the system by way of Internet.

Appellant further argues that Jovicic does not disclose (or suggest) that the user computer and the ICNC communicate with one another. However, as described above, in Jovicic, in col. 6, lines 21-24, and also as shown in Fig 1, the ICNC can be physically present within the Internet coupon server, and therefore, the request that the consumer makes can be directed towards the combined unit of the Internet Coupon Server and the ICNC, and therefore, not only does Jovicic teach coupling as shown in Fig. 1, but also teaches that the consumer can communicate with the ICNC.

Appellant disagrees that with the assertion that Jovicic "teaches that the retailer provides the coupon information to the cooperative network.", however argues that Jovicic teaches is that an ICNC provides the coupon information to the cooperative network. However, as described above, examiner interprets that the ICNC as a retailer's site since, as shown in col. 6, lines 24-34, each ICNC is the owner of one particular category of coupons for example a "Ben & Jerry's Inc." coupon category.

Appellant also disagrees with the assertion that "Jovicic teaches that the ICNC could be coupled with the Internet Coupon Server, and argues that Jovicic discloses that the ICNC "could be *contained in* the Internet Coupon Server 124 itself." which is an alternate embodiment in which the ICNC is software residing in the same computer as the coupon server, where, in contrast, claim 60 recites separate network sites, including (1) at least one of a manufacturer network site and a retailer network site and (2) a cooperative network. However, as examiner explains above, the present claims do not require three network sites as claimed. As explained in preceding paragraphs, in the independent claims, appellant claims "*at least one* of a manufacturer network site and a retailer network site coupled to said cooperative network site via said communication network", and also claims "a consumer computer coupled *to one of* said manufacturer network site and retailer network site via said communication network." From these two limitations, one can see that responsive communication between three network sites/nodes in present claims is not necessary. Examiner's interpretation of the above limitations show that either the manufacturer network site *or* the retailer network site is coupled to the cooperative network site, not both, and that the consumer

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computer is either coupled to the manufacturer network site or the retailer network site, not both.

Appellant strongly disagrees with the assertion "It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for the consumer's request to be from one of said manufacturer network site and retailer network site with the motivation of allowing the consumer the option of selecting either manufacture's coupons or retailer's coupons". However, referring to independent claims, they recite "wherein said cooperative network site is configured to transmit at least one of said manufacturer incentives and retailer incentives to said consumer over said communication network, in response to a consumer request made over said communication network from one of said manufacturer network site and retailer network site." The customer therefore can select incentives from either the manufacturer network site or the retailer network site depending on which ones of the incentives are transmitted.

Appellant also argues that when read in light of the specification, which requires the claimed "retailer network site" and the claimed "manufacturer network site" to include at least function of web server software capable of responding to web browsing requests from computers operated by consumers, and therefore, the claimed "manufacturer network site" and the claimed "retailer network site" cannot read upon Jovicic's ICNC. However, as shown in Fig. 1, communications of the system occur through the Internet Public Computer Network, and therefore, the ICNC must access

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web server software to communicate through the system, and therefore must at least have web server functionality.

As per claim 64, appellant argues that Jovicic does not disclose responding to a consumer query to the retailer site by transmitting a geographically limited list from a cooperative network site, as claimed. However, this is not what is claimed, what is specifically claimed is “transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to a query from said consumer made over said communication network from said retailer network site”. Examiner cites Col. 10, line 46-Col 11, line 3 of Jovicic. Here, in response to entry of demographic information, transmission of coupon serial number and redemption center's ID # to the Internet Coupon Notification Center's database occurs by way of message w/Col. 11, lines 8-12, shows that as a result of the transmitted message, the coupon's serial number and the user's identification is stored in the coupon generation database, which is accessible by the consumer. Here, examiner interprets the entry of demographic information as the query submitted by the consumer, since, in response to this submission, the coupon serial number is stored. Claims 54, 64, 74, and 84 have analogous limitations. Therefore, the rejections of claims, 54, 64, 74, and 84 are still maintained for the reasons described in this paragraph. In addition, the rest of appellants arguments pertaining to claim 64 relate to arguments discussed above with respect to claim 50 and are therefore still rejected for the same reasons.

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As per claim 65, appellant argues that Jovicic column 4 lines 26-28 merely discloses transmitting a coupon to a user's computer, and nothing in Jovicic discloses transmitting a personal page, much less transmitting such a page in the context of the process defined by claim 62's "transmitting from said cooperative network site a consumer personal page including incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to a query from said consumer made over said communication network from said retailer network site;". However, Col. 3, lines 49-59, of Jovicic shows coupons contain a personalized message, where coupons come from coupon server and can be transmitted to the user's computer network node as shown in col. 4, lines 26-28, therefore representing a personal page since consumers have access through the Internet. Claims 55, 65, 75, and 85 have analogous limitations. Therefore, the rejections of claims, 55, 65, 75, and 85 are still maintained for the reasons described in this paragraph. In addition, the rest of appellants arguments pertaining to claim 65 relate to arguments discussed above with respect to claim 50 and are therefore still rejected for the same reasons.

As per claim 66, appellant argues that Jovicic does not disclose the claimed "transmitting from said cooperative network site incentive data for manufacturer offers available at said retailer to said consumer via said retailer network site, in response to said consumer transmitting an identification code over said communication network from said retailer network site, and basing said incentive data on consumer specific data of said consumer associated with said identification code;". However, the placement of coupon indicia in the browsing memory for consumer access is based on user

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identification as shown in Col. 4, lines 30-47 of Jovicic, and therefore the user identification represents the "identification code" of the present invention since submission of the user identification results in transmission of coupon data.

In addition, appellant argues that Jovicic does not teach ""transmitting from said cooperative network site incentives corresponding to said selection data to said consumer via said retailer network site." However, in col. 3, lines 47-50 and Fig. 1 [122] of Jovicic, the user makes an online selection to the Internet Coupon server by way of redemption center, and then, as shown in Col. 11, lines 8-12, as a result of a transmitted message to the Internet coupon server, a determination is made as to if the message is from the coupon redemption or generation database, and if it is from the coupon generation database, the coupon's serial number and the user's identification is stored in the coupon generation database, which is accessible by the consumer, and therefore as a result of a consumer selection, the coupon's serial number along with the user identification is stored by coupon generation database, and ultimately transmitted to the consumer that the user identification is for. In addition, claims 56, 66, 76, and 86 have analogous limitations. Therefore, the rejections of claims, 56, 66, 76, and 86 are still maintained for the reasons described in this paragraph. In addition, the rest of appellants arguments pertaining to claim 66 relate to arguments discussed above with respect to claim 50 and are therefore still rejected for the same reasons.

As per claim 67, appellant argues that examiner asserts that Jovicic discloses claim 67's "basing said incentive data on said consumer specific data comprising a shopping history of said consumer.". The examiner relies upon Jovicic column 9 lines

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10-37. Office action page 7 lines 17-20; page 16-19. The examiner is wrong, and that Jovicic column 9 lines 10-37 merely disclose logging and of redeemed coupons. However, col. 9, lines 10-37 of Jovicic shows past transactions are stored and used for generation of coupon data. Claims 57, 67, 77, and 87 recite analogous limitations. Therefore, the argument in this paragraph apply to claims 57, 67, 77, and 87, and the examiner maintains arguments for these claims.

As per claim 68, appellant argues that examiner asserts that Jovicic discloses claim 68's "basing said incentive data on said consumer specific data comprising demographic data of said consumer." The examiner relies upon Jovicic column 9 lines 10-37, and argues that the examiner is wrong, and that Jovicic column 9 lines 10-37 merely disclose logging and of redeemed coupons. However, examiner cites Col. 9, line 65-Col. 10, line 17 of Jovicic, where it is shown that the user enters demographic information such as location data to Internet Coupon Server, and therefore the incentive data stored in the Internet Coupon Server is related to the demographic data entered. Claims 58, 68, 78, and 88 recite analogous limitations. Therefore, the argument in this paragraph apply to claims 58, 68, 78, and 88, and the rejections of claims 58, 68, 78, and 88 are maintained by the examiner.

As per claims 52, 62, 72 and 82, these claims depend either directly or indirectly from claims 50, 60, 70 and 80, and appellant further makes similar arguments to those presented for claims 50, 60, 70 and 80, and therefore are still rejected for the same reasons.

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As per claims 53, 63, 73 and 83, these claims depend either directly or indirectly from claims 50, 60, 70 and 80, and appellant further makes similar arguments to those presented for claims 50, 60, 70 and 80, and therefore are still rejected for the same reasons.

As per claims 59, 69, 79 and 89, these claims depend either directly or indirectly from claims 50, 60, 70 and 80, and appellant further makes similar arguments to those presented for claims 50, 60, 70 and 80, and therefore are still rejected for the same reasons.

(11) Related Proceeding(s) Appendix

Copies of the court or Board decision(s) identified in the Related Appeals and Interferences section of this examiner's answer are provided herein.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

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